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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,983	07/29/2003	Ke-Yi Li	USP1998C/SH12-KYL	9235

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EXAMINER	
WEIER, ANTHONY J	
ART UNIT	PAPER NUMBER
1761	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/629,983	LI, KE-YI	
	Examiner	Art Unit	
	Anthony Weier	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-9* is/are pending in the application.

4a) Of the above claim(s) *1-4* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by one of Abe, and Hiroya (JP 60-192550).

Abe discloses a process wherein finely-divided (i.e. powdered) corn material (e.g. corn starch), which is inherently a nutritional food (and meets the claim requirement of fine granules and vegetable material), is combined and mixed with water and soybean which not been previously cooked (i.e. raw) and followed by steam treating the subsequent mixture (e.g. col. 2, lines 54-63; claims 12-19).

Hiroya discloses a process wherein soybean flour (which is considered to be raw in that it has not been cooked) is combined and mixed with water and a powdered (or granular) vegetable material (e.g. yam flour) wherein the mixture is then steam treated (see Abstract).

3. Claims 6 and 8 are rejected under 35 U.S.C. 102(b) as being as being anticipated by any one of Beck et al, Hiroshi et al, Yasutome, and JP 54-20882 (JP '882).

Beck et al discloses a process of preparing a bean product wherein raw soybean material (e.g. soybean flour) is mixed with water and a citrus extract (e.g. orange oil, considered to be a form of juice and an element of nutrition) wherein the combined material is formed into a dough and subjected to steam (e.g. col. 3, lines 3-37; col. 2, lines 24-72; Example 1).

JP '882 discloses a process of preparing a bean product wherein raw soybean material is mixed with juice (a nutritional element) and subsequently steamed. It should be further noted that water which is part of the juice extract is also mixed with said raw soybean material before steaming as called for in the instant claims (see Abstract).

With respect to claim 6, Hiroshi et al discloses a process of preparing a bean product wherein raw soybean material (defatted bean curd refuse) is combined with a juice (e.g. meat extract) and water via the additional soy milk also mixed in. The mixture is subsequently steam treated.

With respect to claim 8, Hiroshi et al discloses a process of preparing a bean product wherein a raw soybean material (soy milk) is combined with a granular material (e.g. bean curd) and water via the presence of meat extract, for example, wherein the mixture is then steam heated.

Yasutome discloses a process of preparing a bean material wherein soybean paste (uncooked and, therefore, raw) is combined with the water and the extract (or juice) of the fruit of Gardenia (which falls other the plant or juice requirement of claims 6 and 8) and subsequently steamed (see Abstract).

4. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being as being anticipated by Chen.

Chen discloses a process of preparing a soybean product wherein raw black soybean and powdered cornus fruit (a nutritional element and inherently originating from a dried juice or a material that would have contained juice prior to drying) are combined with water and eventually steam treated (see Abstract).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Beck et al, Yasutome, or JP 54-20882.

The claims further call for said juice or nutrition element to be in powder form. Although Beck et al, Yasutome, and JP '882 do not appear to disclose the use of same in powdered form, it is not seen wherein such would make for a patentable distinction, since the moisture content required for the process may be applied by adding more water or water separately. For example, the extract in JP '882 may be dried and later rehydrated when needed for processing the bean product. The concept of partial processing for storage purposes, for example, wherein same are intended for use at a later date is notoriously well known in the food art. Absent a showing of unexpected results, it would have been obvious to one having ordinary skill in the art at the time of

the invention to have added said juice or nutrition element in a powder form as a well known form of same and as a matter of preference depending on, for example, the costs involved or availability of same.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroshi et al (JP 58-126768).

Claim 7 further calls for said juice or nutrition element to be in powder form. Although Hiroshi does not appear to disclose the use of same in powdered form, it is not seen wherein such would make for a patentable distinction, since the moisture content required for the process may be applied by adding more water via other ingredients or separately. The concept of partial processing for storage purposes, for example, wherein same are intended for reassembly (or rehydration) at a later date is notoriously well known in the food art. Absent a showing of unexpected results, it would have been obvious to one having ordinary skill in the art at the time of the invention to have added said juice or nutrition element in a powder form as a well known form of same and as a matter of preference depending on, for example, the costs involved or availability of same.

Response to Arguments

8. Applicant's arguments filed 11/27/06 have been fully considered but they are not persuasive.

Applicant argues that Abe fails to teach raw bean material being mixed with the nutritional element. However, as set forth in the rejection above, Abe does teach mixing

a raw bean material (e.g. that which has not been cooked) with water and a corn material (inherently nutritional).

GB 2228173 has been withdrawn in view of the newly amended claims.

All other arguments are moot in view of the new rejections (necessitated by amendment) and/or have been addressed in view of the rejections as set forth above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

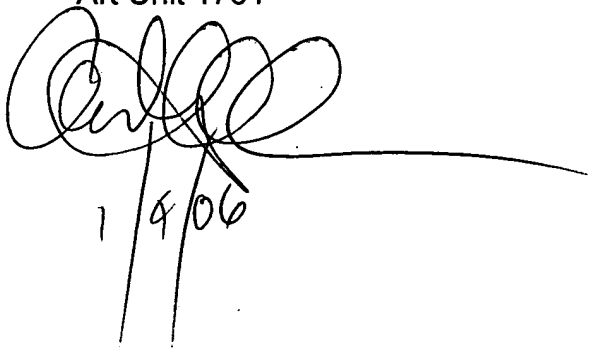
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Weier
Primary Examiner
Art Unit 1761



Anthony Weier
January 4, 2006